



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

Promoting the wise use of land

<b>MEETING DATE</b> August 19, 2016 <b>LOCAL EFFECTIVE DATE</b> September 2, 2016 <b>APPROX FINAL EFFECTIVE DATE</b> September 23, 2016	<b>CONTACT/PHONE</b> Schani Siong, Project Manager (805) 781-4374 ssiong@co.slo.ca.us	<b>APPLICANT</b> Verne and Nanette Kuswa	<b>FILE NO.</b> DRC2015-00099
<b>SUBJECT</b> A request by <b>VERNE AND NANETTE KUSWA</b> for a Minor Use Permit/ Coastal Development Permit (DRC2015-00099) to allow for an addition of a 242 square foot upper level deck to an existing 1,792 square foot two story single family residence with an attached (2) car garage. The project is located within the Residential Single-Family land use category and is located at 1700 Londonderry Drive, at the intersection of Arliss Dr and Londonderry Dr in the community of Cambria. The site is in the North Coastal Planning Area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit / Coastal Development Permit DRC2015-00099 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 3 Categorical Exemption was issued on May 16, 2016 (ED15-281).			
<b>LAND USE CATEGORY:</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Local Coastal Plan, Terrestrial Habitat, Geologic Study Area	<b>ASSESSOR PARCEL NUMBER</b> 024-241-024	<b>SUPERVISOR DISTRICT</b> 2
<b>PLANNING AREA STANDARDS:</b> Monterey Pine Forest Habitat (TH), Local Coastal Program Area (LCP), Water Conservation Requirements, Cambria Community Services District Review, Cambria Fire Department Review, Erosion Control, Landscaping, Exterior Lighting, Archeological Resource Protection, Residential Design Standards, Setback, Height, Footprint, and Gross Structural Area (GSA) Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone) Section 23.07.082 – Geologic Study Area Section 23.07.120 – Local Coastal Program Area Section 23.07.160(e) – Sensitive Resource Area (SRA)(TH) Section 23.07.166 – Minimum Site Design and Development Standards Section 23.07.170(b) – Environmentally Sensitive Habitats Section 23.07.176 – Terrestrial Habitat Protection <i>Does the project conform to the Land Use Ordinance Standards: Yes – see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / residences <i>East:</i> Residential Single Family / residences <i>South:</i> Residential Single Family / residences <i>West:</i> Residential Single Family / residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cambria Community Services District (Water/Sewer/Fire), North Coast Advisory Council & California Coastal Commission	
TOPOGRAPHY: Nearly level	VEGETATION: Monterey Pine trees & ornamental landscaping
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria CSD Fire Department	ACCEPTANCE DATE: April 7, 2016

## DISCUSSION

The applicant is proposing to add a 242 sq ft permeable second level deck to an existing single family residence.

### NORTH COAST PLANNING AREA STANDARDS:

As described below, the project complies with applicable Combining Designations, Cambria Urban Area, and Residential Single Family development standards of the North Coast Area Plan.

### ***Combining Designations***

#### Local Coastal Program Area (LCP)

In accordance with the Coastal Zone Land Use Ordinance (CZLUO) section 23.07.120 the project is within the California Coastal Zone as determined by the California Coastal Act of 1976.

#### Monterey Pine Forest Habitat (Terrestrial Habitat – TH)

The following standards apply to new development proposed within the Terrestrial Habitat Protection (TH) combining designation:

1. **Protection of vegetation.** Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.
2. **Terrestrial habitat development standards:**
  - a) **Re-vegetation.** Native plants shall be used where vegetation is removed.
  - b) **Area of disturbance.** The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.

*Staff Response: The proposed project complies with the combining designation planning area standards for the Terrestrial Habitat Protection (TH) because the proposed deck addition will be sited to avoid tree removal and no native vegetation will be disturbed on the project property.*

### ***Cambria Urban Area Standards – Community Wide***

#### Limitation on Development – Water Conservation Requirements

New development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's service area, or through other verifiable actions to reduce existing water use in the service area.

*Staff Response: The proposed project complies with this standard because it would not increase water usage, and no additional toilets, tubs/showers or sinks are proposed with the project.*

#### Cambria Community Services District Review

Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the Cambria Community Services District (CCSD). Also, prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD.

*Staff Response: The CCSD provided a referral response indicating that they have “no comments” regarding water and sewer. Cambria Fire Department Review*

All new development shall comply with applicable state and local Cambria fire codes. Prior to application acceptance, land use and building permit applications shall include a Fire Plan Review from the Cambria Fire Department.

*Staff Response: There is a Fire Safety Plan prepared by the Cambria CSD Fire Department for this proposed project, dated April 4, 2016.*

#### Erosion Control

In addition to other applicable requirements of the Coastal Zone Land Use Ordinance, all runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks shall be collected and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration system approved by the Public Works Department.

*Staff Response: The proposed project is conditioned to comply with this standard.*

#### Landscaping

All areas of the site disturbed by project construction shall be re-vegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site.

*Staff Response: The proposed project is conditioned to comply with this standard.*

#### Exterior Lighting

All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that direct illumination does not fall onto or across any public or private street or road.

*Staff Response: The proposed project is conditioned to comply with this standard.*

**Archaeological Resource Protection**

In the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

*Staff Response: The proposed project is conditioned to comply with this standard.*

**Residential Single Family**

The following table describes the project's compliance with the applicable setbacks, height, gross structural area (GSA), and footprint standards of the North Coast Area Plan:

Lot Size: 4,500 square feet  
Area: Special Project Area #2  
Oversized lot adjustment: 1.2

Slope: approximately 24%  
Number of trees to be removed: 0  
Base: 3,500 SF Footprint

PROJECT REVIEW	ALLOWABLE	EXISTING	TOTAL PROPOSED	STATUS
FOOTPRINT (SF)	1,414	1,176	1,176	OK
GSA (SF)	1,800	2,365	2,365	OK
HEIGHT (Ft)	28	21	21'	OK
DECKS (SF)				
PERMEABLE	424	156	398	OK
SOLID	141	126	126	OK
SETBACKS (Ft)				
FRONT AND BACK COMBINED	25	25	25	OK
FRONT (LONDONDERRY)	15	15	15	OK
REAR	10	10	10	OK
SIDE	5	5' (left), 1037' (right)	3' (left), 37' (right)	OK
SIDES COMBINED	12	40'	40'	OK

## LAND USE ORDINANCE STANDARDS:

### **Section 23.01.043 – Appeals to the Coastal Commission (Coastal Appealable Zone)**

The project is appealable to the Coastal Commission because the subject parcel is located in an Environmentally Sensitive Habitat Area (ESHA), according to official County maps. Areas within ESHA are considered appealable based on section 23.01.043c.(3)(i) of the CZLUO.

*Staff Response: The proposed development will occur on a site that is currently developed and will not disrupt any existing habitat. No trees will be removed or impacted as a result of the project.*

## **Chapter 7: Combining Designations**

### **Section 23.07.160(e) – Sensitive Resource Area (SRA)(TH)**

Any land use permit application within a Sensitive Resource Area shall be approved only where the Review Authority can make the following required findings:

1. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.

*Staff Response: The project is located within the Monterey Pine Forest sensitive resource area. Development of the proposed deck addition will not create significant adverse effects on the natural features (slopes, trees, habitat) or vicinity that were the basis for the Sensitive Resource Area designation (Monterey Pine) because no grading will occur and no trees will be removed as a result of the project. The proposed deck addition has been sited to reduce impacts to pine trees on site, and designed to conform to the existing slopes of the site.*

2. Natural features and topography have been considered in the design and siting of all proposed physical improvements.

*Staff Response: The proposed deck addition considers the natural features and topography of the site through its design and siting because no grading will be necessary to accomplish development of the deck addition.*

3. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.

*Staff Response: The project will not create significant adverse effects on identified sensitive resources because the proposed deck addition involves minimal clearing of topsoil and will not remove any trees from the project site.*

4. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

*Staff Response: Soil and subsoil conditions are suitable for any proposed excavation because the project will not significantly alter existing drainage patterns, and drainage improvements will be designed to prevent soil erosion and sedimentation through undue surface runoff. To ensure compliance, the project has been conditioned to submit a drainage plan to Public Works at time of application for building permits.*

**Section 23.07.166 – Minimum Site Design and Development Standards**

Where an SRA is applied because of specified species of trees, plants or other vegetation, such species shall not be disturbed by construction activities or subsequent operation of the use, except where authorized by Development Plan approval.

*Staff Response: The project will not create significant adverse effects on identified sensitive resources because the proposed deck addition involves minimal site disturbance and will not remove any trees from the project site.*

**Section 23.07.170(b) – Environmentally Sensitive Habitats (ESH)**

Any land use permit application within Environmentally Sensitive Habitats shall be approved only where the Review Authority can make the following required findings:

1. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

*Staff Response: The project will not create a significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the proposed deck addition involves minimal site disturbance and will not impact any biological resources. The project does not require removal of trees.*

2. The proposed use will not significantly disrupt the habitat.

*Staff Response: The project will not significantly disrupt the habitat because it is located within an existing urban developed neighborhood and the proposed deck addition is attached to the rear of an existing single-family residence and will result in minimal site disturbance.*

**Section 23.07.176 – Terrestrial Habitat Protection**

Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.

*Staff Response: The project site and the surrounding neighborhood are within a Monterey pine forest, the basis for the Sensitive Resource and Terrestrial Habitat combining designation. The proposed deck addition will not result in the removal of any Monterey pines, vegetation that is rare or endangered, or that serves as habitat for rare or endangered species. The proposed development has been sited to reduce the amount of site disturbance and will involve no grading.*

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: ☒

Policy No(s): 1, 2, 29 & 30

Agriculture: N/A

Public Works: ☒

Policy No(s): 1 & 7

Coastal Watersheds: ☒

Policy No(s): 9, 10 & 11

Visual and Scenic Resources: ☒

Policy No(s): 1 & 2

Hazards: ☒

Policy No(s): 1 & 2

Archeology: ☒

Policy No(s): 1 & 6

Air Quality: N/A

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

***Environmentally Sensitive Habitats***

Policy 1: New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

*Staff Response: This project complies with this policy because the proposed deck addition involves minimal site disturbance and will not disrupt resources on the site or remove any Monterey Pine trees or other native vegetation.*

Policy 2: The applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.

*Staff Response: The proposed project will occur on a previously developed site and will not significantly disrupt sensitive habitats or its resources, or remove any Monterey Pine trees or other native vegetation.*

Policy 29: Development adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with continuance of such habitat areas.

*Staff Response: The proposed project complies with this policy because the proposed deck addition will be sited to avoid tree removal and no native vegetation will be disturbed on the project property.*

Policy 30: Native trees and plant cover shall be protected wherever possible. Native plants shall be used where vegetation is removed.

*Staff Response: The proposed project will not require the removal of any trees. Areas disturbed by the proposed project will be planted with drought tolerant native species as landscaping.*

### **Public Works**

Policy 1: Availability of Service Capacity applies to the project: New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff Response: The proposed project is served by the Cambria Community Service District. This condition does not apply to the proposed project because they are just adding a new deck to an already existing building.*

Policy 7: A permit is required for projects within the coastal zone.

*Staff Response: The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.*

### **Coastal Watersheds**

Policy 9: Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation.

*Staff Response: The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance, as conditioned in Exhibit B.*

Policy 10: Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

*Staff Response: The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to San Luis Obispo County Public Works department for approval, and shall implement the approved drainage plan, displaying that construction of the proposed deck addition will not increase erosion or runoff.*

Policy 11: In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats.

*Staff Response: The proposed project is consistent with this policy as the project shall retain groundwater on-site to the extent feasible.*

### **Visual and Scenic Resources**

Policy 1: Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved and protected, and in visually degraded areas restored where feasible.

*Staff Response: The proposed project complies with this policy as the project will be developed on an existing gently rolling to moderately sloping lot. The lot is within a developed section of Cambria and shall be in character and scale with the surrounding neighborhood, and will not significantly block existing scenic vistas.*



Policy 2: Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors.

*Staff Response: The proposed project complies with this policy, as the proposed deck addition will be developed on a lot with an existing two-story single family residence located at 1290 Ellis Avenue, in a neighborhood with similar residential structures. The proposed development will not block or obstruct public views to the ocean or scenic coastal areas, and is sited not to obstruct views from major public view corridors.*

### **Hazards**

Policy 1: All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property.

*Staff Response: The proposed project complies with this policy because it is located and designed to minimize risks to human life and property.*

Policy 2: New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

*Staff Response: The proposed project complies with this policy because the structure is required to be designed to ensure structural stability while not creating or contributing to erosion or geological instability.*

### **Archaeology**

Policy 1: The County shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.

*Staff Response: The project is not located in an Archeologically Sensitive Area; however the project is conditioned to ensure that cultural resources are protected if encountered during project construction.*

Policy 6: Where substantial archaeological resources are discovered during construction of new development all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

*Staff Response: A condition of approval has been placed on the project in the event resources are discovered during construction.*

### **COMMUNITY ADVISORY GROUP COMMENTS:**

The North Coast Advisory Council met on April 20, 2016 and voted to approve the project.

### **AGENCY REVIEW:**

**Public Works** – Per referral response dated April 1, 2016: The project appears to not meet the applicability criteria for a Stormwater Management (it creates or replaces less than 2500 sf of impervious area). Therefore no Stormwater Control Plan is required.

**Building Department** – No comments received.

**Cambria Community Services District (Sewer & Water)** – The CCSD issued a confirmation of water and sewer availability letter for the proposed project dated April 4, 2016

**Cambria Community Services District (Fire)** – Per CCSD Fire Plan Review letter dated April 4, 2016: The project is authorized with conditions.

**California Coastal Commission** – No comments received.

LEGAL LOT STATUS:

The lot was legally created by recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Eric Poon and reviewed by Karen Nall, Supervising Planner.